

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

JAMES LOGAN, SR., on behalf of  
himself and all others similarly situated,

Plaintiff,

v.

Civil Action No. 4:25:cv-00238-O

UNITED STATES RAILROAD  
RETIREMENT BOARD,

Defendant.

**PLAINTIFF’S RESPONSE TO DEFENDANT’S MOTION TO DISMISS**

On May 30, 2025, Defendant filed a motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), (*see* ECF No. 8), giving Plaintiff until June 20, 2025, to respond to the motion or amend his complaint as a matter of course, (L.R. 7.1(e), FED. R. CIV. P. 15(a)(1)(B)).

On June 20, 2025, Plaintiff timely filed an amended complaint that supersedes, and in no way refers to, the original complaint. *See King v. Dogan*, 31 F.3d 344, 346 (5th Cir. 1994) (per curiam) (“An amended complaint supersedes the original complaint and renders it of no legal effect unless the amended complaint specifically refers to and adopts or incorporates by reference the earlier pleading.”). Because the original complaint is inoperative, Plaintiff respectfully requests that the Court enter an order denying Defendant’s motion to dismiss the original complaint as moot.

Respectfully submitted,

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